

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

JOHNNY L. WILLIAMS,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	1:16cv984-MHT
)	(WO)
CITY OF LEVEL PLAINS,)	
ALABAMA,)	
)	
Defendant.)	

SUPPLEMENTAL OPINION

This court previously entered an opinion and judgment adopting the recommendation of the United States Magistrate Judge that defendant's motion to dismiss be granted, but granting dismissal without prejudice and with leave to amend. That opinion and judgment were based on the mistaken assumption that plaintiff was not represented by counsel in this proceeding and was entitled to an opportunity to amend because of his lack of training in the law. Because plaintiff was represented by counsel, he is not entitled to the same solicitude. The magistrate

judge's decision denying plaintiff's request for leave to amend the complaint made clear that, if he sought an opportunity to amend the complaint, he would need to file a properly supported motion to amend. No such motion has been filed; nor has the court received an objection to the recommendation or an appeal of the decision denying leave to amend.

Accordingly, the court will vacate the earlier entered opinion and judgment and enter a new judgment adopting the magistrate judge's recommendation without exception and dismissing this case with prejudice.

DONE, this the 28th day of September, 2017.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE